

### **REMARKS**

Claims 1-7 are pending. Claims 1-4 have been previously rejected. Claims 5-7 have been withdrawn from consideration. A Declaration Under Rule 132 (hereinafter "132 Declaration") is submitted herewith. No new matter is added.

Further to the amendment filed July 7, 2003, the arguments of which are incorporated herein by reference, Applicants wish to address the following. As set forth in the Office Action dated September 16, 2003, claims 1, 3 and 4 have been rejected under 35 U.S.C. §103(a) as being obvious over JP 09-143306 A (hereinafter "JP 306") in view of JP 08-269241 (hereinafter "JP 241"), Saito et al. (U.S. Patent No. 4,990,570) and Teramoto et al. (U.S. Patent No. 4,313,865).

Claims 1-4 have also been rejected under 35 U.S.C. §103(a) as being obvious over JP 306 in view of JP 241, Saito et al. and Horowitz et al. (U.S. Patent No. 4,051,090).

Applicants respectfully disagree. Applicants point out that as set forth in claim 1, the present invention concerns a rubber laminate comprising: a rubber composition (A), obtained by blending 0 to 120 parts by weight of zinc methacrylate and an organic peroxide into a total of 100 parts by weight of rubber ingredients including at least 40 parts by weight of an ethylenically unsaturated nitrile conjugated diene type highly saturated rubber in which the content of conjugated diene units in the polymer chain is not higher than 30 % by weight, and a sulfur vulcanizable diene-based rubber composition (B) bonded by vulcanization through a bonding rubber composition (C), wherein the bonding rubber composition (C) is comprised of 100 parts by weight of a rubber containing 50 to 85 parts by weight of at least one type of diene-based rubber

selected from a group consisting of natural rubber, polyisoprene rubber, polybutadiene rubber, and a conjugated diene-aromatic vinyl copolymer; 15 to 50 parts by weight of an ethylenically unsaturated nitrile-conjugated diene type highly saturated rubber in which the content of conjugated diene units in the polymer chain is not higher than 30% by weight; 10 to 60 parts by weight of zinc methacrylate; 0.3 to 10 parts by weight of an organic peroxide; and 5 to 50 parts by weight of a co-cross-linking agent having one of an acryl group, methacryl group and allyl group, wherein the co-cross-linking agent is liquid at room temperature.

Applicants respectfully submit that no invention as claimed is taught or suggested by any combination of the cited references. Applicants submit in particular that the claimed invention is patentable by virtue of at least unexpected results not found in the cited references. With reference to the 132 Declaration submitted herewith, Applicants again emphasize that as compared to the disclosure of the cited references, the claimed invention provides for remarkable and unexpected improvements concerning high temperature bonding and durability, for example when used for side reinforcement rubber. See e.g., Tables 4-5; pages 7-8 of the 132 Declaration.

Applicants note that at page 3 of the Office Action dated September 16, 2003, the Patent Office requests a comparison of unexpected results with the closest prior art as well as a detailed description of the reasons and evidence supporting unexpected results. Applicants therefore point to Tables 1-5 of the 132 Declaration, in particular Formulations A2 (Formulation (A)) and C1 (Example 8) according to JP 306, Formulation A1 (Example 2) according to JP 241, as compared to Formulation C3, which is Example 3 according to the claimed invention. With reference to Tables 4-5,

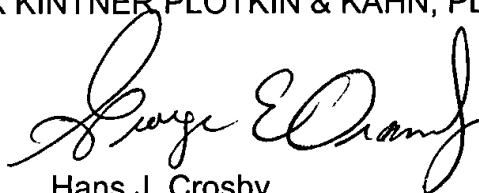
Applicants submit that as compared to best Example 8 of the primary JP 306 reference, and even best Example 2 of the JP 241 reference, it is clear that the claimed invention is unexpectedly improved with respect to bonding strength at high temperature and durability, as is discussed at pages 7-8 of the 132 Declaration.

Therefore, in that the claimed invention provides for unexpected results not found in the prior art, Applicants urge that the claimed invention should be considered patentable over the cited references.

In view of the remarks above, Applicants submit that this application is in condition for allowance and request favorable action thereon.

In the event this paper is not timely filed, Applicants hereby petition for an appropriate extension of time. The fee for this extension may be charged to our Deposit Account No. 01-2300, along with any other additional fees which may be required with respect to this paper referencing Attorney Docket No. 100021-00055.

Respectfully submitted,  
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Enclosure: Declaration Under Rule 132